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Paper No. None

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**AUG 30 2004**

In re Application of  
Jan Lewandowski and Robert A.  
Bessler  
Application No. 10/729,199  
Filed: December 5, 2003  
Attorney Docket No. 34968US2  
Title: ULTRASONIC DETECTION  
OF EAR DISORDERS

**OFFICE OF PETITIONS**

**DECISION ON RENEWED  
PETITION UNDER  
37 C.F.R. §1.47(a)**

This is in response to the renewed petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed August 19, 2004.

The above-identified application was filed on December 5, 2003, without an executed oath or declaration and identifying Jan Lewandowski and Robert A. Bessler as the joint inventors. On March 9, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63 and a surcharge for the late filing of the oath or declaration. This Notice set a two-month period for reply.

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) either
  - a) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review and proof that the non-signing inventor refuses to join in the application or
  - b) proof that the non-signing inventor cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

With the original petition, filed March 9, 2004, Petitioners met requirements 1-4 above. A decision was mailed July 28, 2004 which dismissed the original petition, as the declaration submitted with the petition contained non-initialed and non-dated changes by joint inventor Lewandowski.

With the renewed petition, a declaration has been submitted which corrects this deficiency.

In light of this submission, the above-identified application and papers have been reviewed and found in compliance with 37 CFR §1.47(a).

The petition is **GRANTED** and this application is hereby accorded Rule §1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 3700 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011. Please note that on approximately September 28, 2004, the Office of Petitions will relocate to the new PTO location in Alexandria. Although the mailing address will remain the same, the general phone number for the Office of Petitions which should be used for status requests will change to 571-272-3282, and the telephone number for the undersigned will change to 571-272-3225.



**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**